

# Board of Zoning Adjustment

## Staff Report

July 16, 2018



**Case No:** 18VARIANCE1024  
**Project Name:** Eastern Parkway Garages  
**Location:** 2020 & 2022 Eastern Parkway  
**Owner(s):** GKG Investments LLC  
**Applicant:** GKG Investments LLC  
**Jurisdiction:** Louisville Metro  
**Council District:** 8 – Brandon Coan  
**Case Manager:** Dante St. Germain, Planner I

### REQUEST

- **Variance** from Land Development Code section 5.4.1.D.3 to allow a private yard area to be less than the required 20% of the area of a lot.
- **Variance** from Land Development Code section 5.4.1.D.3 to allow a private yard area to be less than the required 20% of the area of a lot.

Location	Requirement	Request	Variance
Private Yard Area (Tract 1)	20% (1,176 sf)	16.19% (952.14 sf)	3.81% (223.86 sf)
Private Yard Area (Tract 2)	20% (1,176 sf)	15.56% (914.76 sf)	4.44% (261.24 sf)

### CASE SUMMARY/BACKGROUND

The subject properties are located in the Bonnycastle neighborhood, and currently each contains a 2 ½ story duplex residence. The applicant proposes to construct a new two-car garage on each lot. The construction of the garages will reduce the private yard area of each lot below the required 20%. The applicant requests a variance for each lot to allow the reduced private yard area.

The subject properties are included in the Bonnycastle Neighborhood Plan. This plan does not address private yard areas.

### STAFF FINDING

Staff finds that the requested variances are adequately justified and meet the standard of review.

Based upon the information in the staff report, and the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standards for granting a variance established in the Land Development Code section 5.4.1.D.3 to allow a private yard area to be less than the required 20% of the area of a lot.

### TECHNICAL REVIEW

- The plan has received preliminary approval from Transportation Planning.

## **INTERESTED PARTY COMMENTS**

No interested party comments were received.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.4.1.D.3**

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The requested variances will not adversely affect the public health, safety or welfare as the reduction in private yard area is relatively small.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The requested variances will not alter the essential character of the general vicinity as reduced private yard areas are common in the immediate vicinity.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The requested variances will not cause a hazard or nuisance to the public as the reduction in private yard area is relatively small and is unlikely to cause a hazard or nuisance.

- (d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variances will not allow an unreasonable circumvention of the zoning regulations as rear garages are common in the area.

## **ADDITIONAL CONSIDERATIONS:**

1. The requested variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone.

STAFF: The requested variances do not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone because the lots are regular in shape and similar in size to other lots in the vicinity.

2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation may deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant by preventing the construction of garages on the subject sites.

3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the applicant is requesting the variances and has not begun construction.

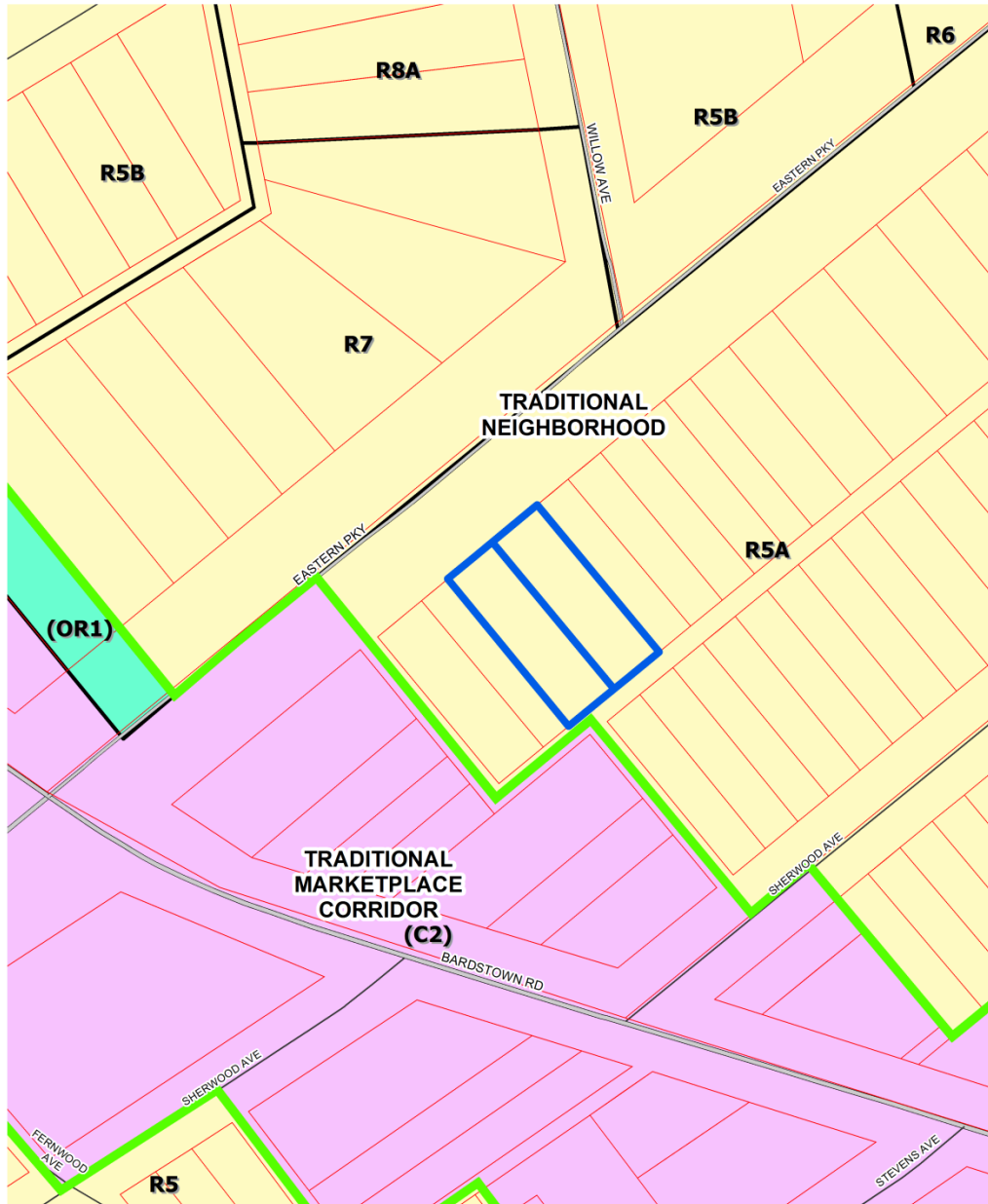
**NOTIFICATION**

Date	Purpose of Notice	Recipients
06/13/2018	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 8
06/29/2018	Hearing before BOZA	Notice posted on property

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Site Photos

1. Zoning Map



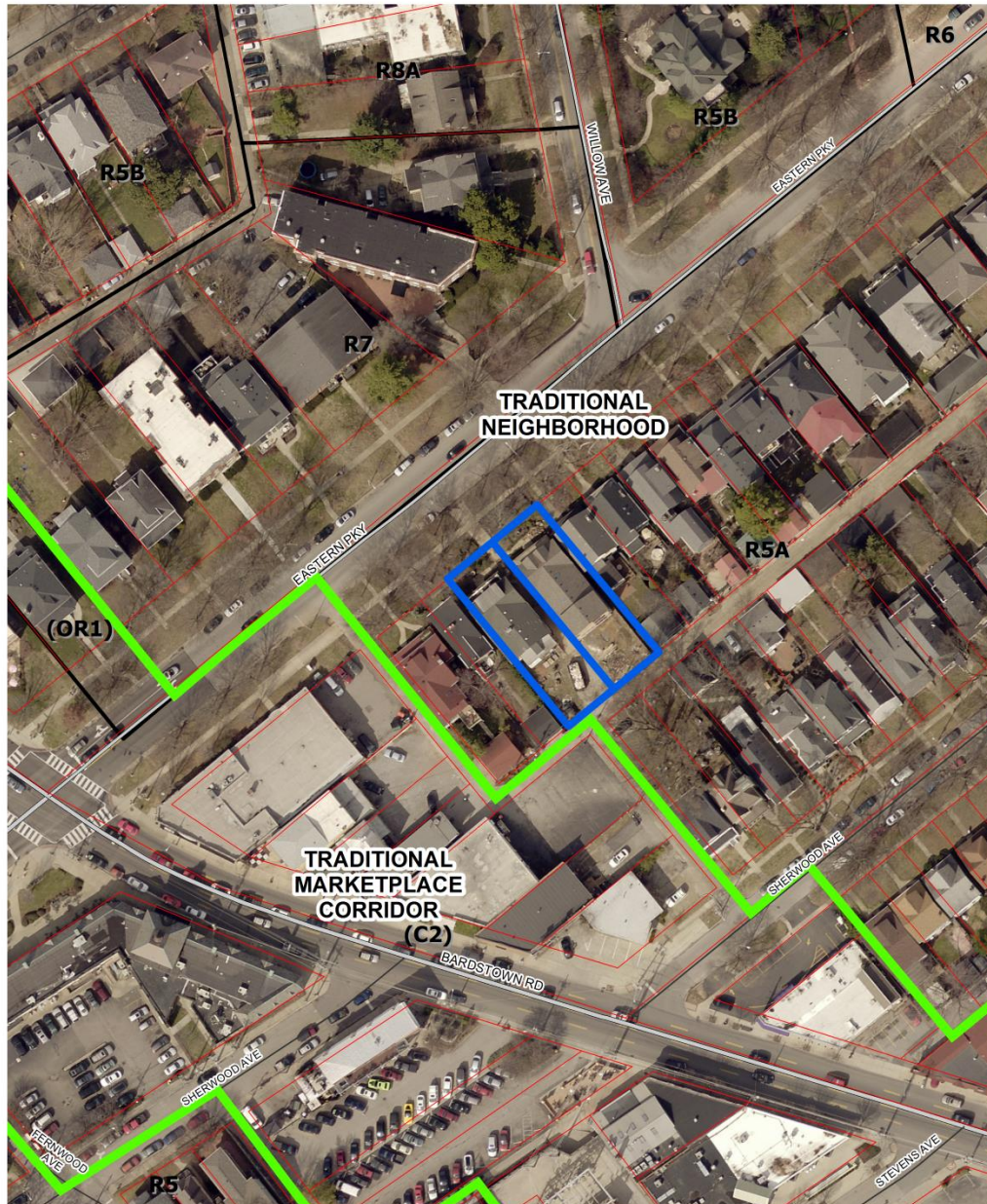
2020 & 2022 Eastern Parkway  
feet

90  
Map Created: 7/3/2018



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JEFFERSON COUNTY PROPERTY VALUATION  
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## 2. Aerial Photograph



2020 & 2022 Eastern Parkway  
feet

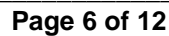
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**Published Date: July 11, 2018**



4. **Site Photos**



The front 2020 Eastern Parkway.





The front of 2022 Eastern Parkway.





The rear of 2020 Eastern Parkway.



The rear of 2022 Eastern Parkway.





The existing shared driveway and private yard area for 2022 Eastern Parkway.





The existing shared driveway and private yard area for 2020 Eastern Parkway.